

## **REMARKS**

### **Status of the Claims**

- Claims 1-25 are pending in the application.
- Claims 1-5 and 12-22 are withdrawn from consideration.
- Claims 6-11 and 23-25 are rejected by the Examiner.
- Claims 6, 9, and 23 are amended by Applicant.
- Claim 7 is cancelled.

### **Amendments**

Applicant amends independent Claim 6 to more clearly define that which is regarded as the invention. Claim 6 is amended to include the aspect of a performance measurement system to determine at least one call performance characteristic. Applicant finds support for the amendment in paragraph 0027 of the as-filed specification. Claim 6 is amended to include the aspect of a global position system (GPS) based location system. Thus, Claim 7 is cancelled. Applicant finds support for the amendment in paragraphs 0020 and 0028 of the as-filed specification. Claim 6 is amended to include the aspect that the location data describes the location of the subscriber handheld mobile telephone unit when the call performance characteristic was collected. Applicant finds support for the amendment in paragraph 0032 of the as-filed specification. Claim 6 is amended to include the aspect that the location data and the call performance characteristic are used in analyzing performance of the wireless communication network in the absence of drive testing. Applicant finds support for the amendment in paragraph 0017 of the as-filed specification.

Applicant notes that US Pat Publication No. 2001/0022558 to Karr teaches away from amended Claim 6 because Karr teaches a wireless location using signal fingerprinting and not a global positioning system function located in the handheld mobile telephone unit.

Applicant amends independent Claim 9 to include the aspects of an internal global positioning system location unit and the receipt of the call data and location data in the absence of traditional drive testing.

Applicant notes that Published PCT International Application WO 99/12228 to Watson teaches a subscriber-inaccessible responder unit for use in drive testing. Applicant

submits that Watson teaches away from amended Claim 9 that includes a handheld subscriber unit that provides call data and location information in the absence of drive testing. Applicant notes that the combination of cited references in the Office Action dated 12/20/2007 includes the combination of Published PCT International Application WO 99/12228 to Watson in view of US Pat Publication No. 2001/0022558 to Karr and in further view of U.S. Patent No. 6,970,702 to Martin. Given that Watson teaches away from the claimed invention as mentioned above and that Karr fails to use a global positioning system location unit in the handheld mobile telephone unit and actually teaches a signal fingerprinting form of location determination instead of GPS, then Applicant concludes that one of skill in the art would not combine the full teachings of Watson and the full teachings of Karr along with the full teachings of Martin to realize the claimed invention.

Applicant amends independent Claim 23 to include elements similar to those of amended Claim 9. Accordingly, Applicant submits that the combined full teachings of Watson, Karr, and Martin would not be combined by one of skill in the art to arrive at the claimed invention because Watson and Karr teach away from elements of the pending claims.

### **Conclusion**

Applicant respectfully requests reconsideration and continued prosecution of the present application in light of the arguments and amendments provided above.

Respectfully Submitted,

Date: May17, 2007

/Jerome G. Schaefer/

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Jerome G. Schaefer  
Registration No. 50,800

Woodcock Washburn LLP  
Cira Centre  
2929 Arch Street, 12th Floor  
Philadelphia, PA 19104-2891  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439